



Image RCE (2805)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 36 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/813,134
<i>Filing Date</i>	March 21, 2001
<i>First Named Inventor</i>	PRANTL
<i>Group Art Unit</i>	2863
<i>Examiner Name</i>	Ngheim, M.
<i>Attorney Docket Number</i>	

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.14 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000— If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTOISB129) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office47 (Apr. 11, 2000), which established RCE practice

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on January 7, 2004
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.7(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 501916
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$--- 1190.00 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kevin E. Joyce	Registration No. (Attorney/Agent)	
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Signature		Date	March 16, 2004
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CERTIFICATION OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: P.O. Box 1450, Alexandria, VA 22313-1450

Name (Print/Type)	Kevin E. Joyce	Date	March 16, 2004
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Signature		Date	March 16, 2004
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

PRANTL et al

Appln. No.: 09/813,134

Group Art Unit: 2863

Filed: March 21, 2001

Examiner: Nghiem, M.

Title: Method For Evaluating Measured Data

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REPLY REQUESTING RECONSIDERATION

March 16, 2004

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the issue of “new Matter” raised in the Advisory Action dated February 19, 2004, applicants request: that the Examiner reconsider and withdraw his determination that applicants’ Amendment filed on January 7, 2004 contains “new matter”; that the January 7 Amendment be entered; and that the application be allowed.

Applicants respectfully submit that the Examiner was incorrect in concluding that “new matter” is contained in the January 7 Amendment for the reasons now to be presented.

REMARKS

The Examiner asserts that the January 7, 2004 Amendment introduces “new matter” to claims 1 and 2 and to the drawing. More particularly, he states that the use of the term “interfacing” in claims 1 and 2 and the illustration of an “interface” in the